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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,943

02/14/2002

Mark Champion

72708

3617

22242

7590

06/23/2005

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
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CHICAGO, IL 60603-3406

EXAMINER

SINGH, DALIP K

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/076,943

Applicant(s)

CHAMPION ET AL.

Examiner

Dalip K. Singh

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-22-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2, 4 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4 and 18 of copending Application No. 10/076,942. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 recites a data source, a data destination, at least four memory devices where data elements are stored, data elements being stored to the memory devices in the first order and retrieved from the memory devices in the second order, where at least two data elements that are consecutive in the first order are stored in parallel to the memory devices, and where at least two data elements that are consecutive in the second order are retrieved in parallel which is similar disclosed in co pending application 10/076942 application claim 1. Claim 1 of the instant application 10/076,943 discloses similar limitations

Art Unit: 2676

as that of copending application 10/076,942 claim 1. The **difference lies** in how claim 1 of copending application 10/076,942 discloses the use of one or more counter variables for address generation for storing and retrieving pixel data while claim 1 of instant application 10/076,943 discloses pixel data retrieval at twice or more than the rate pixel data is stored. However, it would have been obvious to a person of ordinary skill in the art at the time invention was made to incorporate differing rates for retrieval and storage data **because** in data processing art, to prevent overflow or underflow conditions of data buffers, differing rates are used to compensate for data consumptions rates.

3. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

4. The following references made of record but not relied upon are deemed pertinent to the instant application:

U.S. Patent No. 6,278,645 B1 to Buckelew et al. (High speed frame buffer).

U.S. Pat. No. 6,259,459 B1 to Middleton (image data processing of pixel data arranged in raster lines and stored within an image frame memory prior to being manipulated by an image processor).

U.S. Pat. No. 5,619,471 to Nunziata (memory controller for both interleaved and non-interleaved memory).

U.S. Pat. No. 5,606,650 to Kelley et al. (simultaneous retrieval of multiple pixels).

U.S. Pat. No. 5,781,201 to McCormack et al. (atypical pixel storage in video memory).

U.S. Pat. No. 5,924,111 to Huang et al. (interleaving data in multiple memory bank partitions).

U.S. Pat. No. 6,301,649 B1 to Takasugi (enabling quick serial access in row or column directions).

Art Unit: 2676

U.S. Pat. No. 5,815,169 to Oda (simultaneous selection of adjacent horizontal and vertical addresses in a frame memory).

U.S. Pat. No. 6,005,592 to Koizumi et al. (improved memory access for high speed 3-D image processing).

5. Applicant's arguments presented are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dalip K. Singh** whose telephone number is **(571) 272-7792**. The examiner can normally be reached on Mon-Friday (10:30AM-6: 30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ulka Chauhan**, can be reached at **(571) 272-7782**.

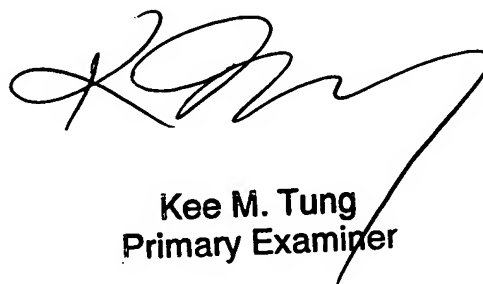
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2676

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dalip K. Singh  
Examiner, Art Unit 2676

dks  
June 14, 2005



Kee M. Tung  
Primary Examiner